

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER RAE COBELL,

Defendant.

CR-12-08-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS OF MAGISTRATE
JUDGE TO REVOKE DEFENDANT'S
SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 13, 2015. (Doc. 168). Neither party filed objections. The Court need not review *de novo* the proposed Findings and Recommendations when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Cobell admitted to having violated two conditions of her supervised release. (Doc. 168). Cobell admitted to having violated: (1) standard condition 7 by using a controlled substance; (2) special condition 1 by failing to participate in substance abuse testing. *Id.*

Judge Johnston found Cobell's admissions sufficient to establish a supervised release violation. (Doc. 168). Judge Johnston recommends that the Court revoke Cobell's supervised release and sentence Cobell to four (4) months imprisonment with a term of eighteen (18) months of supervised release to follow. *Id.* Judge Johnston further recommends that Cobell spend the first six (6) months of her term of supervised release in a residential re-entry center. *Id.*

Cobell's criminal history category is III, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of twenty-four months in custody. The applicable guideline custody range is five to eleven months. The Court may impose a term of supervised release of up to 36 months, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Cobell admitted that she violated terms of her supervised release. A sentence of four (4) months imprisonment with a term of eighteen (18) months supervised release to follow is appropriate in light of her continued non-compliance and substance abuse. Placement in a residential re-entry center for the first six (6) months of her term of supervised release following her discharge from incarceration is also appropriate.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 168) is ADOPTED IN FULL. Judgment shall be entered accordingly.

DATED this 28th day of May, 2015.



Brian Morris
United States District Court Judge